

Sovereignty in the EU – the changing concept

Challenges

■ Issue of sovereignty

- Globalisation, massing, internationalisation, integration...
- Privatisation of state power
- Choice of law, contractualisation
- Crises, wars, pandemics, terrorism

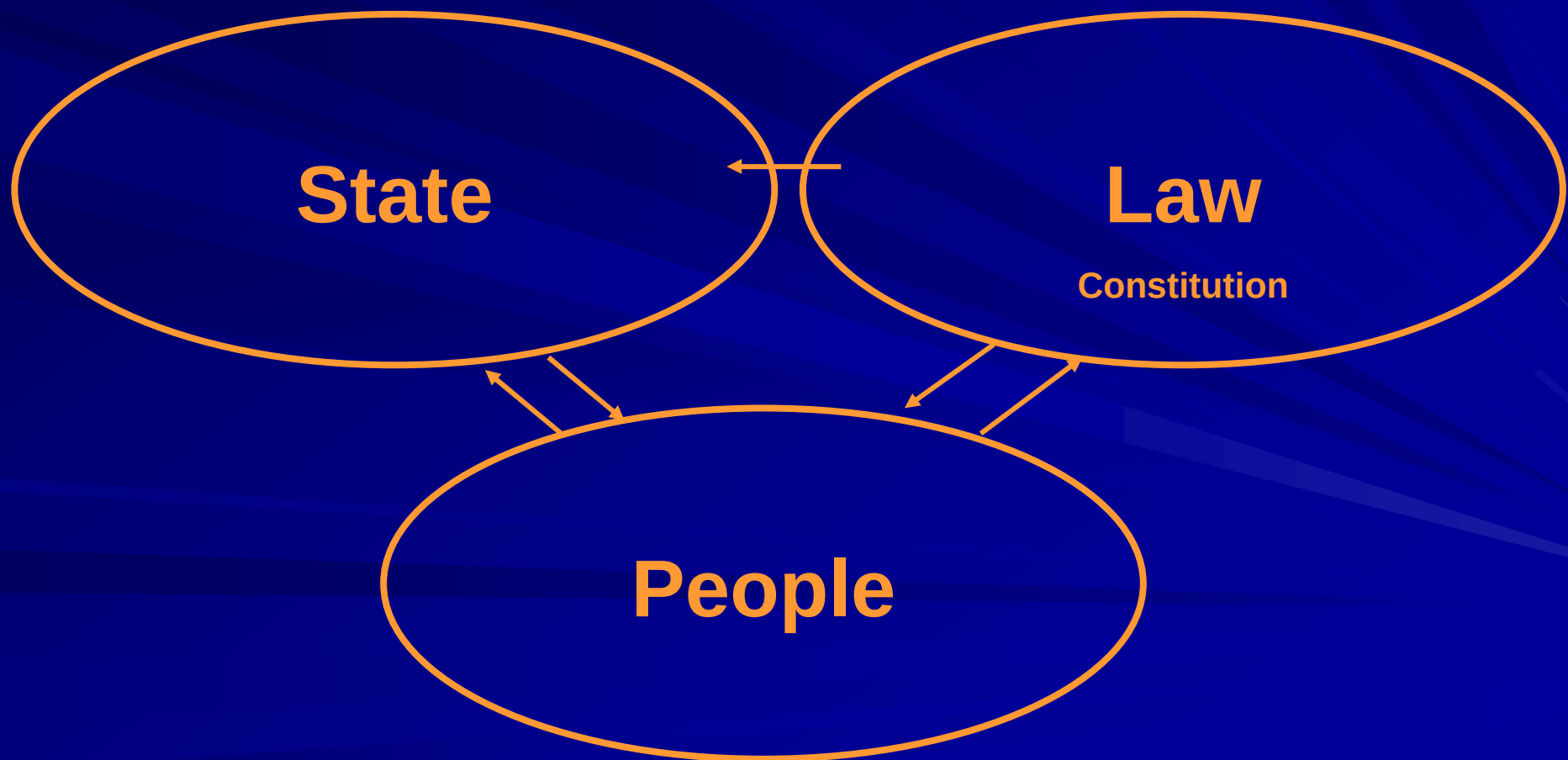
■ Concept of sovereignty

- Historical and political environment
- Theory of power
- Functional approach

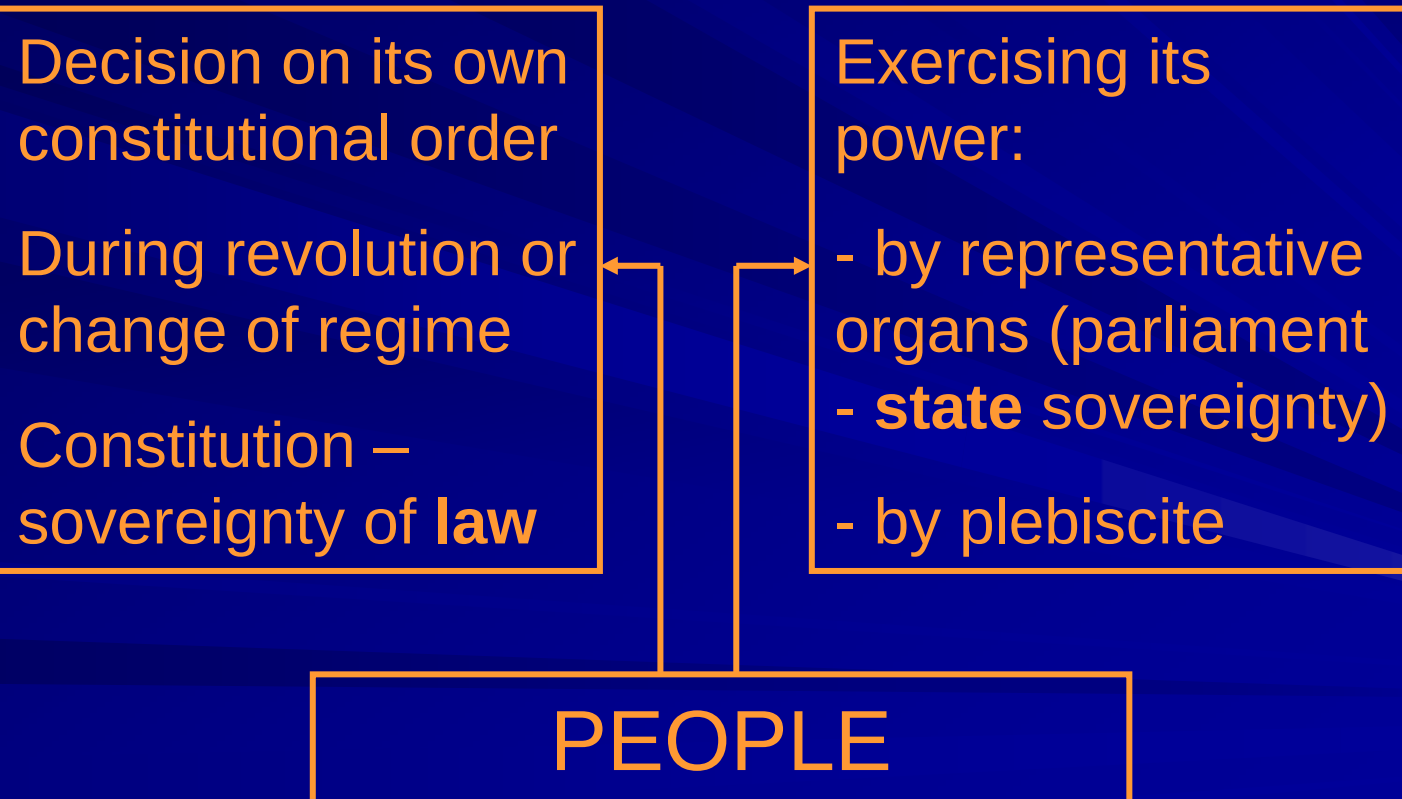
Attempts to define...

- Political sense: question of FACT
 - Definition of conflict (Kampfbegriff)
 - Supreme and absolute power
- Legal sense: question of LAW
 - Legal features of supreme power
 - Context of constitutional order
 - Different features in constitutional law, international law, legal theory
 - Indivisible / divisible (pooled) sovereignty

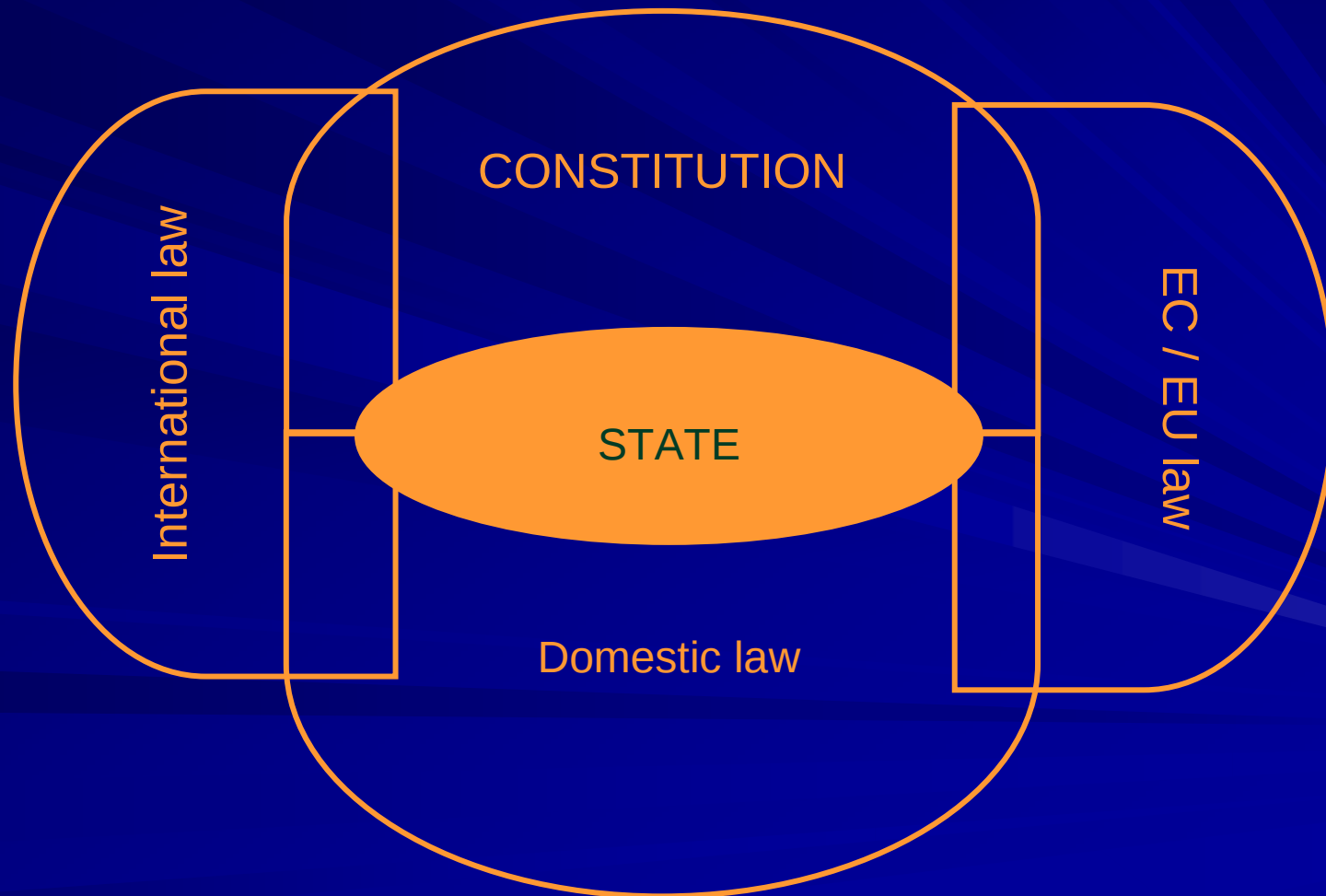
Sovereignty under Constitutional Law



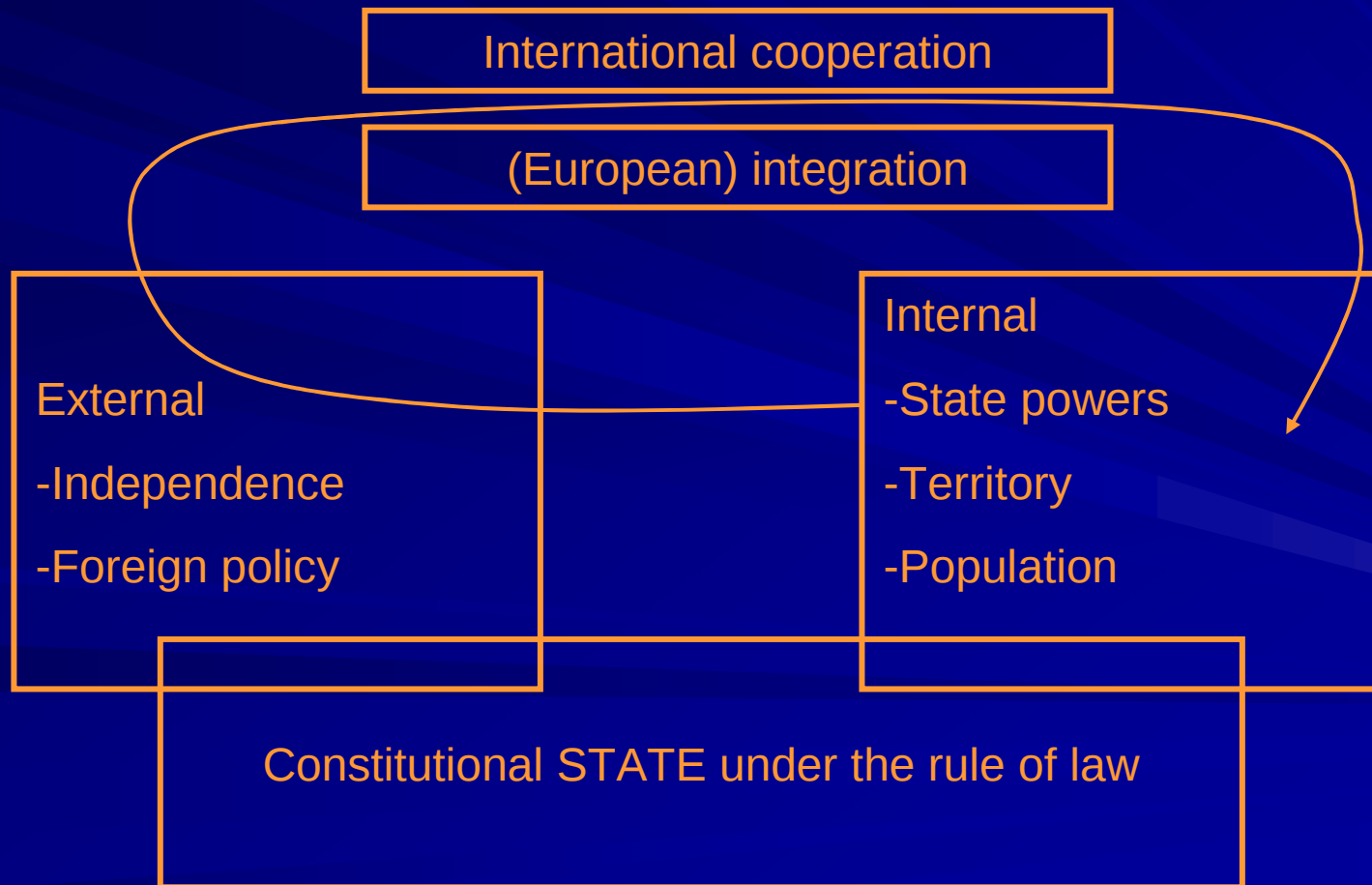
Sovereignty of the people



Sovereignty of law



State sovereignty



Sovereignty in the EU

- You are my creator, but I am your master
– obey! (?)
- Creation of integration power
- Inverse hierarchy
- Projections of sovereignty

Protection of sovereignty

- Sovereignty as competence of last word
- Norm-conflicts in a multilevel constitutional sphere (autonomy v. sovereignty)
- Collision norms (primacy v. authorising article)
- Purposes and functions of authorising articles in Member States constitutions

Thank you for your attention!